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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/670,338

09/26/2003

Masatoshi Yamada

117336

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25944 7590 04/30/2008

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EXAMINER

MORRISON, THOMAS A

ART UNIT

PAPER NUMBER

3653

MAIL DATE

DELIVERY MODE

04/30/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/670,338	<b>Applicant(s)</b> YAMADA ET AL.	
	<b>Examiner</b> THOMAS A. MORRISON	<b>Art Unit</b> 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,9 and 19-21 is/are allowed.
- 6) ☒ Claim(s) 5,6,12,13,15,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 3-4, 7-8, 10-11, 14-16 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/29/2008 has been entered.

### ***Claim Objections***

2. Claims 3, 10-11, 15-16, 18 and their dependent claims 4, 7-8 and 14 are objected to because of the following informalities: (1) "a stopper body abuts" in line 7 of claim 3 should be -- a stopper body that abuts --; (2) "an abutting unit extends" in line 9 of claim 3 should be -- an abutting unit that extends --; (3) "apparatus prohibits" in line 6 of claim 10 should be -- apparatus that prohibits --; (4) "a first annunciation device announces" in line 5 of claim 11 should be -- a first annunciation device that announces --; (5) "image formation" in line 2 of claim 15 should be -- image formation apparatus --; (6) "image formation" in line 2 of claim 16 should be -- image formation apparatus --; and (7) "image formation" in line 2 of claim 18 should be -- image formation apparatus --. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5-6, 12-13, 15 and 17-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "the paper insertion" in lines 7-8. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the paper insertion" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the paper insertion" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites "prohibiting the process of the feed control device and announcing that paper is jammed within the image formation apparatus when selection of an automatic paper feed is inputted, if the detection of the manual feed tray is not in the open position and **the presence of paper is detected.**" (emphasis added). It is unclear from the language of claim 15 what detects the presence of paper. Does the paper detection device set forth in claim 9 detect the presence of the paper? Further clarification is requested.

Claim 17 recites "announcing a requirement for an input of the feed initiation command when the selection of a manual paper feed is externally inputted, if the detection of the manual feed tray is in the open position to permit the paper insertion,

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and **the presence of paper is detected**". (emphasis added). It is unclear from the language of claim 17 what detects the presence of paper. Does the paper detection device set forth in claim 9 detect the presence of the paper? Further clarification is requested.

***Allowable Subject Matter***

4. Claims 1-2, 9 and 19-21 are allowed. Claims 3-8 and 10-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims, and also if rewritten to overcome the objections set forth in this Office action. Applicant is welcome to contact the examiner and try to work out language to overcome the above-noted rejections and objections to the claims.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS A. MORRISON whose telephone number is (571)272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/  
Supervisory Patent Examiner, Art  
Unit 3653

4/27/2008